
ENGROSSED SENATE BILL 5048

State of Washington 63rd Legislature 2013 Regular Session

By Senators Sheldon, Benton, and Hargrove

Read first time 01/16/13. Referred to Committee on Law & Justice .

1 AN ACT Relating to notice against trespass; and reenacting and
2 amending RCW 9A.52.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted and
5 amended to read as follows:

6 The following definitions apply in this chapter:

7 (1) "Access" means to approach, instruct, communicate with, store
8 data in, retrieve data from, or otherwise make use of any resources of
9 a computer, directly or by electronic means.

10 (2) "Computer program" means an ordered set of data representing
11 coded instructions or statements that when executed by a computer cause
12 the computer to process data.

13 (3) "Data" means a representation of information, knowledge, facts,
14 concepts, or instructions that are being prepared or have been prepared
15 in a formalized manner and are intended for use in a computer.

16 (4) "Enter." The word "enter" when constituting an element or part
17 of a crime, shall include the entrance of the person, or the insertion
18 of any part of his or her body, or any instrument or weapon held in his

1 or her hand and used or intended to be used to threaten or intimidate
2 a person or to detach or remove property.

3 (5) "Enters or remains unlawfully." A person "enters or remains
4 unlawfully" in or upon premises when he or she is not then licensed,
5 invited, or otherwise privileged to so enter or remain.

6 A license or privilege to enter or remain in a building which is
7 only partly open to the public is not a license or privilege to enter
8 or remain in that part of a building which is not open to the public.
9 A person who enters or remains upon unimproved and apparently unused
10 land, which is neither fenced nor otherwise enclosed in a manner
11 designed to exclude intruders, does so with license and privilege
12 unless notice against trespass is personally communicated to him or her
13 by the owner of the land or some other authorized person, or unless
14 notice is given by posting in a conspicuous manner. Land that is used
15 for commercial aquaculture or for growing an agricultural crop or
16 crops, other than timber, is not unimproved and apparently unused land
17 if a crop or any other sign of cultivation is clearly visible or if
18 notice is given by posting in a conspicuous manner. Similarly, a field
19 fenced in any manner is not unimproved and apparently unused land. A
20 license or privilege to enter or remain on improved and apparently used
21 land that is open to the public at particular times, which is neither
22 fenced nor otherwise enclosed in a manner to exclude intruders, is not
23 a license or privilege to enter or remain on the land at other times if
24 notice of prohibited times of entry is posted in a conspicuous manner.

25 (6) "Posting in a conspicuous manner" includes posting a sign or
26 signs reasonably likely to come to the attention of intruders,
27 indicating that entry is restricted or the placement of identifying
28 fluorescent orange paint marks on trees or posts on property.

29 (a) Identifying fluorescent orange marks must be:

30 (i) Vertical lines not less than eight inches in length and not
31 less than one inch in width;

32 (ii) Placed so that the bottom of the mark is between three and
33 five feet from the ground; and

34 (iii) Placed at locations that are readily visible to any person
35 approaching the property and no more than one hundred feet apart on
36 forest land, as defined in RCW 76.09.020, or one thousand feet apart on
37 land other than forest land.

1 (b) A landowner must use signs for posting in a conspicuous manner
2 on access roads.

3 (7) "Premises" includes any building, dwelling, structure used for
4 commercial aquaculture, or any real property.

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